

House File 834 - Enrolled

PAG LIN

HOUSE FILE 834

1 1
1 2
1 3 AN ACT
1 4 RELATING TO PERSONS COMMERCIALLY CLEANING TOILET UNITS AND
1 5 PRIVATE SEWAGE DISPOSAL FACILITIES BY PROVIDING REGULATIONS,
1 6 FEES, AND CIVIL PENALTIES, AND MAKING APPROPRIATIONS.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 455B.171, Code 2005, is amended by
1 11 adding the following new subsection:
1 12 NEW SUBSECTION. 32A. "Toilet unit" means a portable or
1 13 fixed tank or vessel holding untreated human waste without
1 14 secondary wastewater treatment that is emptied for disposal.
1 15 "Toilet unit" does not include a portable or fixed tank or
1 16 vessel holding untreated human waste that is part of a
1 17 recreational vehicle or marine vessel.
1 18 Sec. 2. Section 455B.172, subsection 5, unnumbered
1 19 paragraph 2, Code 2005, is amended to read as follows:
1 20 The department shall by rule adopt standards for the
1 21 commercial cleaning of private sewage disposal facilities,
1 22 including but not limited to septic tanks ~~and pits used to~~
1 23 ~~collect waste in livestock confinement structures,~~ and for the
1 24 disposal of waste from the facilities. The standards shall
1 25 not be in conflict with the state building code adopted
1 26 pursuant to section 103A.7. A person shall not commercially
1 27 clean such facilities or dispose of waste from such facilities
1 28 unless the person has been issued a license by the department.
1 29 The department shall be exclusively responsible for adopting
1 30 the standards and issuing licenses. However, county boards of
1 31 health shall enforce the standards and licensing requirements
1 32 established by the department. The department may contract
1 33 for the delegation of the authority for inspection of land
1 34 application sites, record reviews, and equipment inspections
1 35 to a county board of health. In the event of entering into
2 1 such a contract, the department shall retain concurrent
2 2 authority over such activities. Application for the license
2 3 shall be made in the manner provided by the department.
2 4 Licenses expire one year from the date of issue unless revoked
2 5 and may be renewed in the manner provided by the department.
2 6 ~~The license or license renewal fee is twenty-five dollars. A~~
2 7 license application shall include registration applications
2 8 for each vehicle used by the applicant for purposes of
2 9 collecting septage from private sewage disposal facilities and
2 10 each vehicle used by the applicant for purposes of applying
2 11 septage to land. Septic disposal management plans shall be
2 12 submitted to the department and approved annually as a
2 13 condition of licensing and shall also be filed annually with
2 14 the county board of health in the county where a proposed
2 15 septage application site is located. The septic disposal
2 16 management plan shall include, but not be limited to, the
2 17 sites of septage application, the anticipated volume of
2 18 septage applied to each site, the area of each septage
2 19 application site, the type of application to be used at each
2 20 site, the volume of septage expected to be collected from
2 21 private sewage disposal facilities, and a list of registered
2 22 vehicles collecting septage from private sewage disposal
2 23 facilities and applying septage to land. The annual license
2 24 or license renewal fee for a person commercially cleaning
2 25 private sewage disposal facilities shall be established by the
2 26 department based on the volume of septage that is applied to
2 27 land. A septic management fund is created in the state
2 28 treasury under the control of the department. Annual license
2 29 and license renewal fees collected pursuant to this section
2 30 shall be deposited in the septic management fund and are
2 31 appropriated to the department for purposes of contracting
2 32 with county boards of health to conduct land application site
2 33 inspections, record reviews, and septic cleaning equipment
2 34 inspections. A person violating this section or the rules
2 35 adopted pursuant to this section as determined by the
3 1 department is subject to a civil penalty of not more than
3 2 ~~twenty-five~~ two hundred fifty dollars. The department shall
3 3 adopt rules related to, but not limited to, recordkeeping
3 4 requirements, application procedures and limitations,
3 5 contamination issues, loss of septage, failure to file a

3 6 septic disposal management plan, application by vehicles that
3 7 are not properly registered, wrongful application, and
3 8 violations of a septic disposal management plan. Each day
3 9 that a violation continues constitutes a separate offense.
3 10 However, the total civil penalty shall not exceed five hundred
3 11 dollars per year. The penalty shall be assessed for a
3 12 violation occurring ten days following written notice of the
3 13 violation delivered to the person by the department or a
3 14 county board of health for the duration of time commencing
3 15 with the time the violation begins and ending the time the
3 16 violation is corrected. The septic disposal management plan
3 17 may be examined to determine the duration of the violation.
3 18 Moneys collected by the department or a county board of health
3 19 from the imposition of civil penalties shall be deposited in
3 20 the general fund of the state. Moneys collected by a county
3 21 board of health from the imposition of civil penalties shall
3 22 be deposited in the general fund of the county.

3 23 Sec. 3. Section 455B.172, Code 2005, is amended by adding
3 24 the following new subsection:

3 25 NEW SUBSECTION. 5A. a. The department shall by rule
3 26 adopt standards for the commercial cleaning of toilet units
3 27 and for the disposal of waste from toilet units. Waste from
3 28 toilet units shall be disposed of at a wastewater treatment
3 29 facility and shall not be applied to land. The department may
3 30 contract for the delegation of the authority for inspection of
3 31 record reviews and equipment inspections for such units to a
3 32 county board of health. In the event of entering into such a
3 33 contract, the department shall retain concurrent authority
3 34 over such activities.

3 35 b. A person shall not commercially clean toilet units or
4 1 dispose of waste from such units unless the person has been
4 2 issued a license by the department. The department shall be
4 3 exclusively responsible for adopting the standards and issuing
4 4 licenses. However, county boards of health shall enforce the
4 5 standards and licensing requirements established by the
4 6 department. Application for the license shall be made in the
4 7 manner provided by the department. Licenses expire one year
4 8 from the date of issue unless revoked and may be renewed in
4 9 the manner provided by the department. A license application
4 10 shall include registration applications for each vehicle used
4 11 by the applicant for purposes of collecting waste from toilet
4 12 units and each vehicle used by the applicant for purposes of
4 13 transporting waste from toilet units to a wastewater treatment
4 14 facility. The annual license or license renewal fee for a
4 15 person commercially cleaning toilet units shall be established
4 16 by the department based on the number of trucks or vehicles
4 17 used by the licensee for purposes of commercial cleaning of
4 18 toilet units and for the disposal of waste from the toilet
4 19 units. For purposes of this subsection, "vehicle" includes a
4 20 trailer.

4 21 c. A toilet unit fund is created in the state treasury
4 22 under the control of the department. Annual license and
4 23 license renewal fees collected pursuant to this subsection
4 24 shall be deposited in the toilet unit fund and are
4 25 appropriated to the department for purposes of contracting
4 26 with county boards of health to conduct record reviews and
4 27 toilet unit cleaning equipment inspections.

4 28 d. A person violating this section or the rules adopted
4 29 pursuant to this section as determined by the department is
4 30 subject to a civil penalty of not more than five hundred
4 31 dollars. Each day that a violation continues constitutes a
4 32 separate offense. The penalty shall be assessed for the
4 33 duration of time commencing with the time the violation begins
4 34 and ending with the time the violation is corrected. Moneys
4 35 collected by the department from the imposition of civil
5 1 penalties shall be deposited in the general fund of the state.
5 2 Moneys collected by a county board of health from the
5 3 imposition of civil penalties shall be deposited in the
5 4 general fund of the county.

5 5 Sec. 4. STUDY. By January 1, 2006, the department of
5 6 natural resources shall submit a written report to the general
5 7 assembly regarding the land application and treatment of
5 8 septage. The report shall include a county-by-county analysis
5 9 of the amount of septage collected at sources in each county,
5 10 the amount of septage applied to land in each county, and the
5 11 treatment capacity of wastewater treatment facilities in each
5 12 county. The report shall include an analysis of the
5 13 environmental impact of land application of septage and the
5 14 fiscal impact of a statewide prohibition of the land
5 15 application of septage.

5 17
5 18
5 19
5 20
5 21
5 22
5 23
5 24
5 25
5 26
5 27
5 28
5 29
5 30
5 31
5 32
5 33
5 34
5 35
6 1
6 2
6 3
6 4

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 834, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2005

THOMAS J. VILSACK
Governor